

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended, and in light of the following discussion is respectfully requested.

Claims 1-11 are pending in the application. Claims 1-2 and 4-11 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Official Action, Claims 1-2 and 4-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Misra et al. (U.S. Patent No. 6,189,146, hereinafter “Misra”); and Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Misra in further view of Bernecker (U.S. Patent No. 5,435,599).

In response to the rejection based on Misra, Applicants respectfully submit that amended independent Claims 1, 4-6 and 9-11 state novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 relates to a transmitter device that transmits content to a receiver device by accessing a recording medium that stores both the content and management data that is changed based on usage of the content. The transmitter device stores a check value calculated on the basis of the management data, and includes a communication means that transmits the management data to the receiver. The communication means also receives a check value calculated on the basis of the management data and a check value calculated on the basis of *management data changed based on the usage of the content* from the receiver device. A determination means, in the transmitter, determines whether the check value of the management data received by the communication means matches the check value of the management data stored in the storage means.

¹ e.g., specification, Fig. 5, for example.

Claims 1, and 4-5 are directed to a transmitter; Claims 6 and 9-10 are directed to a receiver; and Claim 11 is directed to a system including both a transmitter and receiver for performing a cross authentication procedure, as discussed below.

A non-limiting exemplary embodiment of the cross authentication process is described, for example, at Fig. 5, and p. 10-12 and 17-19 of the specification. A computer (receiver) is connected to a DVD drive (transmitter) via a network. The computer performs a cross authentication with the DVD drive before supplying content data, such as sound or images (moving images or still images). In the cross-authentication process, the computer receives content management data describing the usage conditions related to the content data supplied by the DVD drive. The computer then updates the content management data in accordance with the usage of the content data by the computer (e.g., decrement a count value in response to the reproduction and copying of the content data).

The computer determines hash values of the received content management data and the updated content management data by applying one-way hash function to each of the content management data received from the DVD drive and the updated content management data. The computer then sends the hash values of the received content management data and the updated content management data to the DVD drive. After the cross-authentication process with the DVD drive, the computer receives, from the DVD drive, the content data (encrypted), namely, data such as sound and images, and a content key that has encrypted the content data. The computer decrypts the content data with the content key, and reproduces the decrypted content data.

Turning to the applied reference, Misra describes a software licensing system including a license generator located at a licensing clearinghouse and at least one license server and multiple clients located at a company or entity.² When a company requests a

² Misra, Abstract, and col. 14, line 30-col. 15, line 6.

software license, the license generator creates a license pack that is assigned a unique ID. This unique ID is stored in a database in the license clearinghouse and used to authenticate any requests from the client when access to licensed content is requested.

However, Misra fails to teach or suggest that the receiver (client) calculates and transmits a check value calculated on the basis of *the management data and a check value calculated on the basis of management data changed based on the usage of the content*, as recited in amended independent Claim 1.

Specifically, as described at Fig. 7 and col. 15, line 55-col. 16 line 37 of Misra, the license server (28) transmits challenge to the client (30), and receives hash value which is calculated at the client on the basis of the challenge and client image, and compares the received hash value with hash value calculated by the license server. Thus, Misra performs authentication and transmits a software license based on the comparison of hash data of random number and client image, and confirms that the client image has not been changed.

In contrast, the pending independent claims clearly recite a check value is calculated by the receiver on the basis of the management data and *a check value calculated on the basis of management data changed based on the usage of the content*. As discussed above, Misra receives a hash value on the basis of the client image, and fails to teach or suggest calculating a check value using management data changed based on the usage of the content, as recited in the pending independent claims.

Accordingly, Misra also fails to teach or suggest a transmitter which *determines whether the check value of the management data received by the communication means matches the check value of the management data stored in the storage means, and updates the check value of the management data stored in the storage means to the check value of the changed management data*, as recited in pending independent Claims 1, 4, 5 and 11.

Therefore, Applicants respectfully request that the rejection of independent Claims 1, 4-6 and 9-11 under 35 U.S.C. § 102(e) be withdrawn.

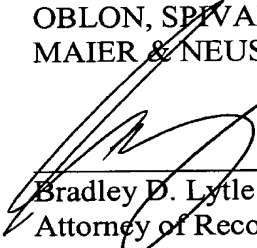
Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Misra in further view of Bernecker. However, as discussed above, Misra fails to teach or suggest the above differentiated features recited in the pending independent claims. Likewise, Bernecker fails to remedy this deficiency, and therefore, none of the cited references, neither alone nor in combination teach or suggest Applicant's Claim 3, which includes the above distinguished features by virtue of dependency.

Accordingly, Applicants respectfully request that the rejection of Claim 3 under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by 1-11 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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